

PATENT

C. REMARKS

Claims 1-20 are pending in the application and stand rejected. Claims 1, 8, and 15 are independent claims. No claims have been amended, added, or cancelled in this Response.

I. Drawings

Applicants note with appreciation the acceptance, by the Examiner, of Applicants' formal drawings which were submitted with the Application.

II. Claim Rejections – 35 U.S.C. § 102 and § 103

Claims 1-3, 5-10, and 12-20 stand rejected under 35 U.S.C. § 102 as being anticipated and therefore unpatentable over U.S. Patent Application No. 2002/0135613 to O'Hara (hereinafter "O'Hara"). Claims 4 and 11 stand rejected under 35 U.S.C. § 103 as being obvious in light of O'Hara. O'Hara was filed on March 21, 2001 (the "critical date") and published as a U.S. Patent Application Publication on September 26, 2002.

Applicants' patent application was filed April 5, 2001, approximately two weeks after the O'Hara application was filed. Applicants respectfully assert that Applicants completed and reduced to practice Applicants' claimed invention before the filing date of O'Hara. Declarations, pursuant to 37 C.F.R. § 1.131, have been duly executed by Applicants Rick Allen Hamilton II and Steven Jay Lipton and are included with this Response. Mr. Hamilton and Mr. Lipton declare that Applicants' claimed invention was completed and reduced to practice prior to March 21, 2001. Exhibit "A" to each declaration is an IBM Invention Disclosure Form that disclosed Applicants' claimed invention. This Disclosure was submitted to the IBM Intellectual Property Law Department in Austin, Texas prior to March 21, 2001. Mr. Hamilton's and Mr. Lipton's declarations under 37 C.F.R. § 1.131, therefore, removes the O'Hara patent publication from consideration as prior art. Because, for the aforesaid reasons, the O'Hara patent is not prior art with respect to Applicants' claimed invention, Applicants respectfully assert that Claims 1-3, 5-10, and 12-20 are allowable under 35 U.S.C. § 102 and that claims 4 and 11 are allowable under 35 U.S.C. § 103.

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Conclusion

As a result of the foregoing, it is asserted by Applicants that the remaining claims in the Application are in condition for allowance, and Applicants respectfully request an early allowance of such claims.

Applicants respectfully request that the Examiner contact the Applicants' attorney listed below if the Examiner believes that such a discussion would be helpful in resolving any remaining questions or issues related to this Application.

Respectfully submitted,

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